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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,876	10/24/2003	David M. Vaughan	VAUG 02901 PIUS	1966

32233 7590 05/13/2005

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EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,876

Applicant(s)

VAUGHAN, DAVID M.

Examiner

David M Purol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1: The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5,6,9,10,12,16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Toadvine. Toadvine discloses a screen assembly comprising a screen member 12, a roll assembly 3,8,9, a non-marring fastener 6, a latch assembly 17,19.

2. Claims 1,2,4-6,9,10,12,15,16,19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jacobi et al. Jacobi et al discloses a screen assembly comprising a screen member 11, a roll assembly 8,9,10, a non-marring fastener 4,5,6,12, a latch assembly 13,14,15.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,11,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toadvine in view of Pittard. While Toadvine does not disclose the non-marring fastener as being hook and loop material, Pittard discloses the use of a non-marring fastener in the form of a hook and loop material 46,47, wherein, to incorporate this teaching into the screen assembly of Toadvine for the purpose of substituting a mechanical equivalent for

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another so as to obtain the advantages inherent therein such as ease of use would have been obvious to one of ordinary skill in the art.

4. Claims 3,11,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi et al in view of Pittard. While Jacobi et al do not disclose the non-marring fastener as being hook and loop material, Pittard discloses the use of a non-marring fastener in the form of a hook and loop material 46,47, wherein, to incorporate this teaching into the screen assembly of Jacobi et al for the purpose of substituting a mechanical equivalent for another so as to obtain the advantages inherent therein such as ease of use would have been obvious to one of ordinary skill in the art.

5. Claims 7,8,13,14,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toadvine. While Toadvine does not specifically set forth the type of material from which the screen member is constructed, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art.

6. Claims 7,8,13,14,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi et al. While Jacobi et al do not specifically set forth the type of material from which the screen member is constructed, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art.

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7. The applicant argues that the allegedly anticipating references to Toadvine or Jacobi et al do not disclose the limitations of the walls of the office cubicle or partition as being generally laminar and vertically upstanding. This is not convincing for the claims of the instant application are not directed to the combination of the screen assembly and the open-office divider arrangement but rather to the screen assembly per se.

The applicant argues that it is not clear that the spring clip of Toadvine or Jacobi et al is operative to hold what corresponds to the claimed roll assembly to the edge of a laminar wall or to maintain the roll assembly in a fixed horizontal and vertical orientation as the claimed non-marring fastener. This is not convincing for each of the fasteners as disclosed by Toadvine or Jacobi et al have the explicit purpose of fixedly securing the screen assembly.

Applicant's arguments have been fully considered but they are not persuasive.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any inquiry concerning this communication should be directed to David M Purol at telephone number (571) 272-6833.

A handwritten signature in black ink, appearing to read "David Purol".

David Purol
Primary Examiner
Art Unit 3634

DMP
(571)272-6833
May 11, 2005